

MINUTES
YORK COUNTY PLANNING COMMISSION

Regular Meeting
York Hall, 301 Main Street
June 8, 2005

MEMBERS

Nicholas F. Barba
Anne C. H. Conner
John R. Davis
Alexander T. Hamilton
Alfred E. Ptasznik, Jr.
Andrew A. Simasek
John W. Staton

CALL TO ORDER

Chair Andrew Simasek called the regular meeting to order at 7:00 p.m.

REMARKS

Chair Simasek stated that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. The responsibility is exercised through recommendations conveyed by resolutions or other official means and all are matters of public record. He indicated that the Commission is comprised of citizen volunteers, appointed by the Board, representing each voting district and two at-large members.

ROLL CALL

The roll was called and all members were present along with staff members J. Mark Carter, James E. Barnett, Jr., Timothy C. Cross, Amy Parker, and Earl Anderson.

APPROVAL OF MINUTES

Mr. Davis moved adoption of the minutes of the regular meeting of May 11, 2005. The minutes were adopted unanimously by roll call vote.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. ZM-05-05, Marcotte, Inc. Request to amend the York County Zoning Map by reclassifying 1.89 acres from GB (General Business) and R13 (High Density Single-Family Residential) to GB (General Business) subject to voluntarily proffered conditions. The property is located at 1939 George Washington Memorial Highway (Route 17), approximately 350 feet north of its intersection with Production Drive (Route 799) and is further identified as Assessor's Parcel Nos. 36B-3-4a, 37-8c,

and 37-8b. The applicant has proffered architectural and landscaping renderings. The property is designated for General Business in the Comprehensive Plan; and

Application No. UP-672-05, Marcotte, Inc: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 12, Nos. 3 & 5) of the York County Zoning Ordinance, to authorize the establishment of an auto repair garage without auto body work and painting on 1.89 acres of land located at 1939 George Washington Memorial Highway (Route 17), approximately 350 feet north of its intersection with Production Drive (Route 799). The properties, further identified as Assessor's Parcel Nos. 36B-3-4a, 37-8c, and 37-8b, are zoned GB (General Business) and R13 (High Density Single-Family Residential) and are designated for General Business development in the Comprehensive Plan.

Mr. Earl Anderson, Planner, presented a summary of the staff report for the combined applications dated June 8, 2005 in which the staff recommended approval of both applications.

Mr. Barba asked if the previous tenant had used the property presently zoned R13. **Mr. Anderson** stated that was the case until they were required by the Code Enforcement officer to cease using it as storage because of its residential nature. Therefore, there is no nonconforming use underway at this time.

Mr. Staton inquired about signage, and **Mr. Anderson** explained the applicant has proffered a monument-type sign.

Ms. Conner asked how many cars the applicant intended to park in front of the building. **Mr. Anderson** said the drawings submitted by the applicant indicate a limited number of parking spaces at the front. The applicant proposes minimal car sales and proposes to park some in the showroom, some in front of and in the rear of the building.

Ms. Conner inquired about the percentage of total revenue the applicant expects from used car sales. **Mr. Anderson** understood used car sales would comprise a minor percentage of revenues but referred the inquiry to the applicant.

Chair Simasek opened the public hearing.

Mr. Charles F. Marcotte, Jr. 113 Clarendon Court, Williamsburg, spoke in behalf of his application. **Mr. Marcotte** noted that the two trailers depicted in one of the photographs in the staff presentation have been removed from the property.

Mr. Marcotte said automobile sales are a supplement to his main business, which is auto repair, as a service to customers with a major need. Last year the business sold approximately 15 cars.

There being no others wishing to speak, **Mr. Simasek** closed the public hearing.

Mr. Barba believed the relocation of the business would be a good move for both the applicant and the County.

Mr. Ptasznik agreed with Mr. Barba.

Mr. Davis inquired if used car sales would continue at the location if there came a time that **Mr. Marcotte** no longer owned the property and if the best interests of the County are served by validating used car sales at the location, even though the applicant proposes primarily an automobile repair business. **Mr. Barnett** confirmed that proffers become part of the zoning of a property until such time as it is rezoned.

Mr. Davis asked if an approval could limit the use of the property to this particular applicant.

Mr. Barba noted the scarcity of parking spaces at the location. There was some discussion about ways that might restrict used car sales either by number or by approved applicant.

Mr. Anderson suggested a condition to limit the number of cars available for sale at any given time.

Mr. Carter noted that enforcement is logistically difficult when a particular number of cars is permitted and suggested, rather than a specific number of cars, limiting the area where cars available for sale could be displayed, such as the front parking lot.

Mr. Davis asked if the permit to sell used cars could be rescinded if this applicant vacated the business. **Mr. Barnett** said the County Code allows reasonable conditions, as a land use matter, but ownership is not considered a factor having to do with land use. He did not know of a case in which a condition had been placed on any special use permit such that the permit would be rescinded after the sale of the property by the applicant for whom the use permit was approved.

Mr. Davis commented this was a similar situation to the automobile junkyards permitted on Route 17, and the County is running short of land for business opportunities.

Mr. Barba said the salvage yards on Route 17 are permitted a certain number of cars on their Route 17 frontage. He believed the current application would improve the use of the land in question.

Mr. Simasek pointed out that Mr. Marcotte is proposing a long-term investment and Mr. Simasek favored approval.

Mr. Davis moved proposed Resolution No. PC05-25, which was adopted unanimously.

PC05-25

On motion of Mr. Davis, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A REQUEST TO REZONE 1.89 ACRES LOCATED AT 1939 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17), APPROXIMATELY 350 FEET NORTH ITS INTERSECTION WITH PRODUCTION DRIVE (ROUTE 799) FROM GB (GENERAL BUSINESS) AND R13 (HIGH DENSITY SINGLE-FAMILY RESIDENTIAL) TO GB (GENERAL BUSINESS) SUBJECT TO VOLUNTARILY PROFFERED CONDITIONS

WHEREAS, Marcotte, Inc. has submitted Application No. ZM-95-05, which requests to amend the York County Zoning Map by reclassifying from GB (General Business) and R13 (High Density Single-Family Residential) to GB (General Business) subject to voluntarily proffered conditions 1.89 acres of property located at 1939 George Washington Memorial Highway (Route 17), approximately 350 feet north its intersection with Production Drive (Route 799) and further identified as Assessor's Parcel Nos. 36B-3-4a (GPIN SO3D-3381-0764), 37-8c (GPIN SO3D-3583-0701), and 37-8b (GPIN SO3D-3632-0790); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 8th day of June, 2005, that Application No. ZM-95-05 be, and it hereby is, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying from GB (General Business) and R13 (High Density Single-Family Residential) to GB (General Business) 1.89 acres of property located at 1939 George Washington Memorial Highway (Route 17), approximately 350 feet north its intersection with Production Drive (Route 799) and further identified as Assessor's Parcel Nos. 36B-3-4a (GPIN SO3D-3381-0764), 37-8c (GPIN SO3D-3583-0701), and 37-8b (GPIN SO3D-3632-0790) subject to the voluntarily proffered conditions set forth in the applicant's proffer statement, titled "Proffer Statement for Change of Zoning" signed by the contract purchaser of the subject property Charles F. Marcotte, Jr., a copy of which shall remain on file in the Planning Division, and which, upon approval by the Board of Supervisors, shall be recorded in the office of the Clerk of the Circuit Court pursuant to the requirements of Section 24.1-114(e)(1) of the York County Zoning Ordinance.

Mr. Hamilton moved adoption of proposed Resolution No. PC05-26, which was adopted unanimously.

PC05-26

On motion of Mr. Hamilton, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT AN AUTO REPAIR GARAGE AND AUTO SALES WITHOUT AUTO BODY WORK AND PAINTING LOCATED AT 1939 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17)

WHEREAS, Marcotte, Inc., has submitted Application No. UP-672-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, Nos. 3 & 5) of the York County Zoning Ordinance, to authorize the establishment of an auto repair garage and auto sales without auto body work and painting on 1.89 acres of land located at 1939 George Washington Memorial

Highway (Route 17), approximately 350 feet north its intersection with Production Drive (Route 799), and further identified as Assessor's Parcel Nos. 36B-3-4a (GPIN SO3D-3381-0764), 37-8c (GPIN SO3D-3583-0701), and 37-8b (GPIN SO3D-3632-0790); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 8th day of June, 2005 that Application No. UP-672-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of an auto repair garage and auto sales without auto body work and painting on 1.89 acres of land located at 1939 George Washington Memorial Highway (Route 17), approximately 350 feet north its intersection with Production Drive (Route 799), and further identified as Assessor's Parcel Nos. 36B-3-4a (GPIN SO3D-3381-0764), 37-8c (GPIN SO3D-3583-0701), and 37-8b (GPIN SO3D-3632-0790) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of an auto repair garage and used car sales lot without auto body work and painting on 1.89-acres of land located at 1939 George Washington Memorial Highway (Route 17), approximately 350 feet north its intersection with Production Drive (Route 799) and further identified as Assessor's Parcel No. 36B-3-4a (GPIN SO3D-3381-0764), 37-8c (GPIN SO3D-3583-0701), and 37-8b (GPIN SO3D-3632-0790).
2. A site plan prepared in accordance with the provisions set forth in Article V of the Zoning Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any activities on the site. Said site plan shall be in substantial conformance with the plan titled "Sketch of Proposed Use 1939 George Washington Mem Hwy". The plan must delineate the car display area on the site plan with the required parking spaces, pursuant to Section 24.1-606 of the Zoning Ordinance.
3. A subdivision plat prepared in accordance with the provisions set forth in Chapter 20.5 Subdivision Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to commencement of any activity on the site. Said subdivision plat shall vacate all interior property lines combining the three individual lots into one single lot.
4. The auto repair garage and used car sales lot without auto body work and painting shall comply with the performance standards set forth in Sections 24.1-475, *Standards for all motor vehicle and transportation related uses*, and 24.1-477, *Standards for auto fuel dispensing establishments, service station and auto repair garages*, of the Zoning Ordinance

5. The existing southernmost entrance located along George Washington Memorial Highway (Route 17) shall be closed and curbing placed along the interior side of the former entrance so as prevent the movement of traffic from the parcel onto George Washington Memorial Highway (Route 17) at this entrance. The existing southernmost driveway apron shall be removed and the area between the roadway shoulder and the on-site curbing shall be landscaped. The northernmost entrance shall conform to Virginia Department of Transportation standards.
6. The existing building shall be renovated to comply with the terms of the Route 17 Corridor Overlay District, as contained in Section 24.1-378 of the York County Zoning Ordinance.
7. The site shall be landscaped to comply with the proffered landscape plan and the landscape planting standards specified by Section 24.1-242 of the Zoning Ordinance. Side yard plantings shall meet minimum ratios for side yards as specified in Section 24.1-242(h) and shall consist of a minimum of 50% evergreen shrubs with remaining plantings to be a mix of evergreen and deciduous trees. These planting areas shall not be located within any vehicular access/egress easements.
8. Privacy fencing shall be installed as per the proffer for fencing and be constructed of materials approved by the Zoning Administrator to a minimum of six feet in height.
9. Freestanding and building lighting shall be full cut-off fixtures that are shielded and directed downward to prevent off-site illumination. Illumination levels shall not exceed 0.5 foot candle at any exterior property line. All lighting fixtures shall use full cut-off, shielded fixtures and shall be installed with flat lenses angled level to the ground. All lighting schemes and lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). A lighting plan indicating manufacturer's specifications for all fixtures and illumination levels for the development site shall be submitted for review and approval at time of application for site plan approval.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

Application No. UP-670-05, Mary Patterson: Request for a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize massage therapy as a home occupation within a single-family detached dwelling on a 0.31-acre parcel of land located at 203 Halles Run (Route 1465) and further identified as Assessor's Parcel No. 38-121A-6. The property is zoned R20 (Medium Density Single-Family Residential) and the Comprehensive Plan designates this area for Medium-Density Residential development.

Mr. Earl Anderson, Planner, presented a summary of the staff report dated May 25, 2005, which recommended approval. He offered to answer questions.

Mr. Simasek inquired if any complaints have been filed about home occupations. **Mr. Anderson** replied that no complaints have been filed with the Development and Compliance Division for any of the 14 approved barber and beauty shops, nor any violations cited.

Mr. Hamilton asked if the proposed use permit would require additional plumbing to be installed in the residence. **Mr. Anderson** said no additional plumbing would be needed or required and explained that towels used in the practice would be moistened and kept in a steam cabinet until used.

The Chair opened the public hearing.

Ms. Mary Patterson, 203 Halles Run, the applicant, explained that she is employed as a massage therapist at Great Wolf Lodge and is applying for the permit in order to offer her services only to personal acquaintances and neighbors.

Ms. Conner complimented the applicant for providing a valuable service and moved approval of proposed Resolution No. PC05-27.

PC05-27

On motion of Ms. Conner, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE MASSAGE THERAPY AS A HOME OCCUPATION AT 203
HALLES RUN

WHEREAS, Douglas L. and Mary L. Patterson have submitted Application No. UP-670-05 requesting a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize massage therapy as a home occupation within a single-family detached dwelling on a 0.31-acre parcel of land located at 203 Halles Run (Route 1465) and further identified as Assessor's Parcel No. 38-121A-6 (GPIN V03A-1784-4861); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 8th day of June, 2005, that it does hereby transmit Application No. UP-670-05 to the York County Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. This use permit shall authorize the establishment of massage therapy as a home occupation within a single-family detached dwelling on a 0.31-acre parcel of land located at 203 Halles Run

(Route 1465) and further identified as Assessor's Parcel No. 38-121A-6 (GPIN V03A-1784-4861).

2. The conduct of such home occupation shall be limited to approximately 152 square feet, which is shown on the house floor plan filed with the application.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein, and Chapter 14.3 of the York County Code.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to Monday 9:00 AM to 8:00 PM, Tuesday, Wednesday, and Thursday 5:00 PM to 8:00 PM, and Friday and Saturday 9:00 AM to 12:00 PM by appointment only.
6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. Retail sales on the premises shall be limited to incidental sales therapeutic and other bodywork products.
8. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
9. In accordance with the terms of the Zoning Ordinance, a minimum of two (2) off-street parking spaces shall be provided on the premises to accommodate customers. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mr. Davis was complimentary of the Riverwalk Landing project and particularly its dedication programs during Memorial Day weekend. He commended those who were responsible for its plan and implementation and for the opening festivities.

STAFF REPORTS

Mr. Carter provided a report, "Development Activity Update," dated June 8, 2005. He reported that a text amendment sponsored by the Board of Supervisors would be presented to the Commission in July.

Mr. Carter welcomed Mr. Christopher A. Abel to the Commission, whose term begins July 1st and succeeds Mr. Simasek's term as Planning Commissioner for District 1.

Mr. Carter spoke for the staff in wishing Mr. Simasek well and expressing gratitude for the work accomplished by the Commission during his term as Commissioner, Vice Chair, and two terms as Chair.

Mr. Carter congratulated Mr. Hamilton on his reappointment for a second term on the Commission.

Mr. Carter noted that the Commission would elect a Chair and Vice Chair at the next meeting.

COMMITTEE REPORTS

Mr. Barba reported on the continuing progress of the Comprehensive Plan Steering Committee.

COMMISSION REPORTS AND REQUESTS

Mr. Simasek expressed gratitude to the Board of Supervisors, the Planning Commission, and the staff for the support he received during his terms on the Commission.

ADJOURN

The meeting was adjourned at 7:52 p.m.

SUBMITTED:

Phyllis P. Liscum, Secretary

APPROVED:

Chair

DATE: _____